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SERIES I No. 5

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA



PUBLISHED BY AUTHORITY

### NOTE

There are two Extraordinary issues to the Official Gazette, Series I No. 4 dated 24-4-2014, as follows:—

- (1) Extraordinary dated 24-4-2014 from pages 77 to 78 regarding The Goa Fiscal Responsibility and Budget Management (First Amendment) Act, 2014 — Not. No. 7/6/2014-LA from Department of Law & Judiciary (Legal Affairs Division).
- (2) Extraordinary dated 30-4-2014 from pages 79 to 86 regarding Draft Rules of Bombay High Court — Not. No. 12/29/2013--LD(ESTT)/963 from Department of Law & Judiciary (Law Establishment Division) and regarding Levy of FPPCA for 4th quarter of FY 2013-14— Not. No. 120/03/JERC-FPPCA/CEE/Tech from Department of Power (Office of the Chief Electrical Engineer).

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## GOVERNMENT OF GOA

Department of Law &amp; Judiciary

Legal Affairs Division

### Notification

10/3/2013-LA/89

The following Corrigendum issued to the Finance Act, 2013 (Central Act No. 17 of 2013), and which is published in the Gazette of India, Extraordinary, Part II, Section I dated 21-5-2013, is hereby published for the general information of the public.

Julio B. Noronha, Under Secretary (Law).

Porvorim, 23rd April, 2014.

### Corrigendum

In the Finance Act, 2013 (17 of 2013), as published in the Gazette of India, Extraordinary, Part II, Section 1, Issue No. 21, dated 10th May, 2013, at page 34, in line 32, for "refered", read "referred".

### Notification

10/3/2013-LA/107

The Constitution (Ninety-eighth Amendment) Act, 2013, which has been passed by Parliament and assented to by the President on 1-1-2013 and published in the Gazette of India, Extraordinary, Part II, Section I dated 2-1-2013, is hereby published for the general information of the public.

Julio B. Noronha, Under Secretary (Law).

Porvorim, 23rd April, 2014.

## THE CONSTITUTION (NINETY-EIGHTH AMENDMENT) ACT, 2012

AN

ACT

*further to amend the Constitution of India.*

Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Constitution (Ninety-eighth Amendment) Act, 2012.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Insertion of new article 371J.*— After article 371-I of the Constitution, the following article shall be inserted, namely:—

“371J. *Special provisions with respect to State of Karnataka.*— (1) The President may, by order made with respect to the State of Karnataka, provide for any special responsibility of the Governor for—

(a) establishment of a separate development board for Hyderabad-Karnataka region with the provision that a report on the working of the board will be placed each year before the State Legislative Assembly;

(b) equitable allocation of funds for developmental expenditure over the said region, subject to the requirements of the State as a whole; and

(c) equitable opportunities and facilities for the people belonging to the said region, in matters of public employment, education and vocational training, subject to the requirements of the State as a whole.

(2) An order made under sub-clause (c) of clause (1) may provide for—

(a) reservation of a proportion of seats in educational and vocational training

institutions in the Hyderabad-Karnataka region for students who belong to that region by birth or by domicile; and

(b) identification of posts or classes of posts under the State Government and in any body or organisation under the control of the State Government in the Hyderabad-Karnataka region and reservation of a proportion of such posts for persons who belong to that region by birth or by domicile and for appointment thereto by direct recruitment or by promotion or in any other manner as may be specified in the order.”.

### Notification

10/3/2013-LA/104

The Unlawful Activities (Prevention) Amendment Act, 2012 (Central Act No. 3 of 2013), which has been passed by Parliament and assented to by the President on 3-1-2013 and published in the Gazette of India, Extraordinary, Part II, Section I dated 4-1-2013, is hereby published for the general information of the public.

*Julio B. Noronha*, Under Secretary (Law).

Porvorim, 23rd April, 2014.

## THE UNLAWFUL ACTIVITIES (PREVENTION) AMENDMENT ACT, 2012

AN

ACT

*further to amend the Unlawful Activities (Prevention) Act, 1967.*

Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Unlawful Activities (Prevention) Amendment Act, 2012.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*— In section 2 of the Unlawful Activities (Prevention) Act, 1967 (hereinafter referred to as the principal Act),—

(i) clause (ea) shall be renumbered as clause (eb) and before clause (eb) as so renumbered, the following clause shall be inserted, namely:—

‘(ea) “economic security” includes financial, monetary and fiscal stability, security of means of production and distribution, food security, livelihood security, energy security, ecological and environmental security;’

(ii) after clause (eb) as so renumbered, the following clause shall be inserted, namely:—

‘(ec) “person” includes—

(i) an individual,

(ii) a company,

(iii) a firm,

(iv) an organisation or an association of persons or a body of individuals, whether incorporated or not,

(v) every artificial juridical person, not falling within any of the preceding sub-clauses, and

(vi) any agency, office or branch owned or controlled by any person falling within any of the preceding sub-clauses;’

(iii) for clause (g), the following clause shall be substituted, namely:—

‘(g) “proceeds of terrorism” means,—

(i) all kinds of properties which have been derived or obtained from

commission of any terrorist act or have been acquired through funds traceable to a terrorist act, irrespective of person in whose name such proceeds are standing or in whose possession they are found; or

(ii) any property which is being used, or is intended to be used, for a terrorist act or for the purpose of an individual terrorist or a terrorist gang or a terrorist organisation.

*Explanation.*— For the purposes of this Act, it is hereby declared that the expression “proceeds of terrorism” includes any property intended to be used for terrorism;’

(iv) in clause (h), for the words “instruments in any form including”, the words “instruments in any form including but not limited to” shall be substituted.

3. *Amendment of section 6.*— In section 6 of the principal Act, in sub-section (1), for the words “two years”, the words “five years” shall be substituted.

4. *Amendment of section 15.*— Section 15 of the principal Act shall be renumbered as sub-section (1) thereof and in sub-section (1) as so renumbered,—

(i) in the opening portion, after the word “security”, the words “, economic security,” shall be inserted;

(ii) in clause (a), after sub-clause (iii), the following sub-clause shall be inserted, namely:—

“(iiia) damage to, the monetary stability of India by way or production or smuggling or circulation of high quality counterfeit Indian paper currency, coin or of any other material; or”;

(iii) in clause (c), for the words “any other person to do or abstain from doing any act,”, the words “an international or inter-

-governmental organisation or any other person to do or abstain from doing any act; or" shall be substituted;

(iv) for the *Explanation*, the following *Explanation* shall be substituted, namely:—

*'Explanation.—* For the purpose of this sub-section,—

(a) "public functionary" means the constitutional authorities or any other functionary notified in the Official Gazette by the Central Government as public functionary;

(b) "high quality counterfeit Indian currency" means the counterfeit currency as may be declared after examination by an authorised or notified forensic authority that such currency imitates or compromises with the key security features as specified in the Third Schedule.';

(v) after sub-section (1), the following sub-section shall be inserted, namely:—

"(2) The terrorist act includes an act which constitutes an offence within the scope of, and as defined in any of the treaties specified in the Second Schedule."

5. *Omission of section 16A.*— Section 16A of the principal Act shall be omitted.

6. *Substitution of new section for section 17.*— For section 17 of the principal Act, the following section shall be substituted, namely:—

"17. *Punishment for raising funds for terrorist act.*— Whoever, in India or in a foreign country, directly or indirectly, raises or provides funds or collects funds, whether from a legitimate or illegitimate source, from any person or persons or attempts to provide to, or raises or collects funds for any person or persons, knowing that such funds are likely to be used, in full or in part by such

person or persons or by a terrorist organisation or by a terrorist gang or by an individual terrorist to commit a terrorist act, notwithstanding whether such funds were actually used or not for commission of such act, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.

*Explanation.—* For the purpose of this section,—

(a) participating, organising or directing in any of the acts stated therein shall constitute an offence;

(b) raising funds shall include raising or collecting or providing funds through production or smuggling or circulation of high quality counterfeit Indian currency; and

(c) raising or collecting or providing funds, in any manner for the benefit of, or, to an individual terrorist, terrorist gang or terrorist organisation for the purpose not specifically covered under section 15 shall also be construed as an offence."

7. *Insertion of new sections 22A, 22B and 22C.*— After section 22 of the principal Act, the following sections shall be inserted, namely:—

*'22A. Offences by companies.*— (1) Where an offence under this Act has been committed by a company, every person (including promoters of the company) who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person (including promoters) liable to any

punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised reasonable care to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any promoter, director, manager, secretary or other officer of the company, such promoter, director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*— For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

22B. *Offences by societies or trusts.*— (1) Where an offence under this Act has been committed by a society or trust, every person (including the promoter of society or settlor of the trust) who at the time the offence was committed was in charge of, and was responsible to, the society or trust for the conduct of the business of the society or the trust, as well as the society or trust, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised reasonable care to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a society

or trust and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any promoter, director, manager, secretary, trustee or other officer of the society or trust, such promoter, director, manager, secretary, trustee or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*— For the purpose of this section,—

(a) “society” means any body corporate registered under the Societies Registration Act, 1860 or any other State Act governing the registration of societies;

(b) “trust” means any body registered under the Indian Trusts Act, 1882 or any other State Act governing the registration of trusts;

(c) “director”, in relation to a society or trust, means a member of its governing board other than an *ex officio* member representing the interests of the Central or State Government or the appropriate statutory authority.

22C. *Punishment for offences by companies, societies or trusts.*— Where any offence under the Act has been committed by a company or a society or a trust, as the case may be, every person (including promoter of company or trust or settlor of the trust) who at the time of the offence was either in charge or responsible for the conduct of the business shall be punishable with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life and shall also be liable with fine which shall not be less than five crore rupees and which may extend to ten crore rupees.’

8. *Amendment of section 23.*— In section 23 of the principal Act, in sub-section (1), for the words “chemical substance of warfare, he shall”, the words “chemical substance of warfare or high quality counterfeit Indian currency, he shall” shall be substituted.



9. *Amendment of heading of Chapter V.*— In CHAPTER V of the principal Act, in the heading thereof, after the word “TERRORISM”, the words “OR ANY PROPERTY INTENDED TO BE USED FOR TERRORISM” shall be inserted.

10. *Substitution of new sections for section 24.*— For section 24 of the principal Act, the following sections shall be substituted, namely:—

‘24. *Reference to proceeds of terrorism to include any property intended to be used for terrorism.*— In this Chapter, unless the context otherwise requires, all references to “proceeds of terrorism” shall include any property intended to be used for terrorism.

24A. *Forfeiture of proceeds of terrorism.*— (1) No person shall hold or be in possession of any proceeds of terrorism.

(2) Proceeds of terrorism, whether held by a terrorist organisation or terrorist gang or by any other person and whether or not such terrorist or other person is prosecuted or convicted for any offence under Chapter IV or Chapter VI, shall be liable to be forfeited to the Central Government or the State Government, as the case may be, in the manner provided under this Chapter.

(3) Where proceedings have been commenced under this section, the court may pass an order directing attachment or forfeiture, as the case may be, of property equivalent to, or, the value of the proceeds of terrorism involved in the offence.’

11. *Amendment of section 33.*— In section 33 of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely:—

“(3) Where any person is accused of an offence concerning high quality counterfeit Indian currency, the court may pass an order directing attachment or forfeiture, as the case may be, of property equivalent to the value of such high quality counterfeit Indian currency involved in the offence

including the face value of such currency which are not defined to be of high quality, but are part of the common seizure along with the high quality counterfeit Indian currency.

(4) Where a person is accused of an offence punishable under Chapter IV or Chapter VI, the court may pass an order directing attachment or forfeiture, as the case may be, of property equivalent to or the value of the proceeds of terrorism involved in the offence.

(5) Where any person is accused of an offence under Chapter IV or Chapter VI, it shall be open to the court to pass an order that all or any of the property, movable or immovable or both, belonging to him shall, where the trial under the Act cannot be concluded on account of the death of the accused or being declared a proclaimed offender or for any other reason, be confiscated on the basis of material evidence produced before the court.”.

12. *Amendment of section 35.*— In section 35 of the principal Act,—

(a) in sub-section (1),—

(i) for the word “order”, the word “notification” shall be substituted;

(ii) for the word “Schedule”, wherever it occurs, the words “First Schedule” shall be substituted;

(b) after sub-section (3), the following sub-sections shall be inserted, namely:—

“(4) The Central Government may, by notification in the Official Gazette, add to or remove or amend the Second Schedule or Third Schedule and thereupon the Second Schedule or the Third Schedule, as the case may be, shall be deemed to have been amended accordingly.

(5) Every notification issued under sub-section (1) or sub-section (4) shall, as soon as may be after it is issued, be laid before Parliament.”.

13. *Amendment of section 40.*— In section 40 of the principal Act, in sub-section (1), for *Explanation*, the following *Explanation* shall be substituted, namely:—

“*Explanation.*— For the purposes of this sub-section, a reference to provide money or other property includes—

(a) of its being given, lent or otherwise made available, whether or not for consideration; or

(b) raising, collecting or providing funds through production or smuggling or circulation of high quality counterfeit Indian currency.”.

14. *Amendment of Schedule.*— In the principal Act, the existing Schedule shall be renumbered as the First Schedule thereof, and after the First Schedule as so renumbered, the following Schedules shall be inserted, namely:—

#### “THE SECOND SCHEDULE

[See section 15(2)]

(i) Convention for the Suppression of Unlawful Seizure of Aircraft (1970);

(ii) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971);

(iii) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (1973);

(iv) International Convention against the Taking of Nuclear (1979);

(v) Convention on the Physical Protection of Nuclear Material (1980);

(vi) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of unlawful Acts against the Safety of Civil Aviation (1988);

(vii) Convention for the Suppression of Unlawful Acts against the safety of Maritime Navigation (1988);

(viii) Protocol for the Suppression of unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf (1988); and

(ix) International Convention for the Suppression of Terrorist Bombings (1997).

#### THE THIRD SCHEDULE

[See clause (b) of *Explanation* to section 15(1)]

Security features to define high quality counterfeit Indian currency notes

(a) water mark;

(b) latent image; and

(c) see through registration in the currency notes.”.

#### Department of Public Health

#### Order

90/22/81-III/PHD(Vol.II)

Sanction of the Government is hereby accorded for revision of diet rates for the patients undergoing treatment in the Institute of Psychiatry and Human Behaviour, Bambolim-Goa from Rs. 50/- to Rs. 90/- and special diet from Rs. 65/- to Rs. 100/- per patient per day.

The revised rates shall be made applicable w.e.f. 01-05-2014.

This issues with the concurrence of Finance (Exp) Department vide their U. O. No. 1413676 -F dated 22-04-2014.

By order and in the name of the Governor of Goa.

*Sangeeta M. Porob*, Under Secretary (Health).

Porvorim, 28th April, 2014.

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